

Attachment A

Complaint for Damages

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Heidi Percy

County Clerk

Snohomish County, WASH

Case Number: 21-2-00860-31

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SNOHOMISH

YVONNE BROOKS, an individual,

Plaintiff,

vs.

SAFEWAY INC., a foreign for-profit
corporation,

Defendant.

NO. 21-2-00860-31

COMPLAINT FOR DAMAGES

COMES NOW the Plaintiff, by and through her attorneys of record, and for cause of
action, states and alleges as follows:

I. PARTIES

1.1 The Plaintiff Yvonne Brooks (Yvonne) is an individual, residing Snohomish
County, Washington.

1.2 The Defendant Safeway Inc. (Safeway) is a foreign corporation that does
business within the geographical jurisdiction of this Court.

II. JURIDICITION AND VENUE

2.1 This court has subject matter jurisdiction and personal jurisdiction over
Defendant.

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2.2 Venue is proper because the incident giving rise to this personal injury action occurred in Snohomish County.

III. STATEMENT OF FACTS

3.1 On or about March 21, 2018, Yvonne entered Safeway located at 24040 Bothell Everett Hwy, Bothell, WA to purchase groceries.

3.2 Safeway is in the business of selling groceries.

3.3 While in Safeway, Yvonne entered the dairy aisle to purchase groceries.

3.4 The aisle contained multiple tall stacks of boxes of what appeared to be goods being prepared to be stocked into the cases.

3.5 In order to navigate the dairy aisle, Yvonne had to weave through these tall stacks of boxes.

3.6 While in the dairy aisle Yvonne slipped on a clear liquid on the floor, which caused Yvonne to fall.

3.7 A Safeway employee was in the dairy aisle at the time Yvonne fell, and that employee witnessed Yvonne's fall. This employee immediately cleaned up the liquid while Yvonne laid on the floor.

3.8 While Yvonne was laying on the floor waiting for the ambulance, she noticed that on the other end of the aisle, there was what appeared to be a small sign cautioning the floor was wet. There was no such sign on the side of the aisle Yvonne entered from.

3.9 As a result of the fall caused by the clear liquid on the floor, Yvonne suffered injuries, including a fractured right shoulder.

1 **IV. CAUSE OF ACTION**

2 4.1 Yvonne was a business invitee of Safeway's at the time of the incident.

3 4.2 Safeway was negligent, and thus breached the duties it owed to Yvonne as a
4 business invitee.

5 4.3 Safeway breached its duty, *inter alia*, by failing to warn and inspect for
6 dangerous conditions, and by failing to use reasonable care to maintain its premises so that
7 they were safe for Yvonne and other customers.

8 4.4 Safeway's breach of the duties it owed to Yvonne was the direct and proximate
9 cause of damages Yvonne sustained.

10 **V. PIMENTEL EXCEPTION**

11 5.1 The nature of Safeway's business in the dairy aisle and the methods of operation
12 are such that the existence of the unsafe condition of liquid on the floor is continuous or
13 reasonably foreseeable, and Safeway failed to take reasonable care to prevent Yvonne's
14 injuries.

15 **VI. PRAYER FOR RELIEF**

16 WHEREFORE, having fully stated her causes of action, Yvonne prays for relief as
17 follows:

18 A. For judgment against Safeway, in an amount to be determined at trial for
19 damages, including, but not limited to, medical bills, lost wages, lost earning capacity, pain
20 and suffering, permanent disability, loss of enjoyment of life, and emotional distress.

21 B. For prejudgment and post-judgment interest.

22 C. For all of Yvonne's costs, herein to be taxed.

1 D. For Yvonne's reasonable attorney fees incurred herein, to the extent permitted
2 by applicable law.

3 E. For such other and further relief as the court deems just and equitable under the
4 circumstances.

5 RESPECTFULLY SUBMITTED this 23rd day of February, 2021.

6 INSLEE, BEST, DOEZIE & RYDER, P.S.

7
8 By 

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